

**(c) Presidential acceptance of amendments to list of substances other than convention oil in accordance with protocol**

The President may accept amendments to the list of substances other than convention oil in accordance with article III of the protocol.

(Pub. L. 93-248, §13, Feb. 5, 1974, 88 Stat. 10; Pub. L. 95-302, §1(5), June 26, 1978, 92 Stat. 345.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-302, §1(5)(A), inserted provisions relating to applicability of article II of the protocol and provisions for proposal of amendments to the list of substances other than convention oil.

Subsec. (b). Pub. L. 95-302, §1(5)(B), substituted “protocol” for “annexes thereto”.

Subsec. (c). Pub. L. 95-302, §1(5)(C), added subsec. (c).

EFFECTIVE DATE OF 1978 AMENDMENT

For effective date of amendment by Pub. L. 95-302, see section 2 of Pub. L. 95-302, set out as a note under section 1487 of this title.

**§ 1483. Foreign government ships; immunity**

No measures may be taken under authority of this chapter against any warship or other ship owned or operated by a country and used, for the time being, only on Government noncommercial service.

(Pub. L. 93-248, §14, Feb. 5, 1974, 88 Stat. 10.)

**§ 1484. Interpretation and administration; other right, duty, privilege, or immunity and other remedy unaffected**

This chapter shall be interpreted and administered in a manner consistent with the convention, the protocol, and other international law. Except as specifically provided, nothing in this chapter may be interpreted to prejudice any otherwise applicable right, duty, privilege, or immunity or deprive any country or person of any remedy otherwise applicable.

(Pub. L. 93-248, §15, Feb. 5, 1974, 88 Stat. 10; Pub. L. 95-302, §1(6), June 26, 1978, 92 Stat. 345.)

AMENDMENTS

1978—Pub. L. 95-302 inserted “, the protocol,” after “convention”.

EFFECTIVE DATE OF 1978 AMENDMENT

For effective date of amendment by Pub. L. 95-302, see section 2 of Pub. L. 95-302, set out as a note under section 1487 of this title.

**§ 1485. Rules and regulations**

The Secretary may issue reasonable rules and regulations which he considers appropriate and necessary for the effective implementation of this chapter.

(Pub. L. 93-248, §16, Feb. 5, 1974, 88 Stat. 10.)

**§ 1486. Oil Spill Liability Trust Fund**

The Oil Spill Liability Trust Fund shall be available to the Secretary for actions taken under sections 1474 and 1476 of this title.

(Pub. L. 93-248, §17, Feb. 5, 1974, 88 Stat. 10; Pub. L. 101-380, title II, §2001, Aug. 18, 1990, 104 Stat. 506.)

AMENDMENTS

1990—Pub. L. 101-380 amended section generally. Prior to amendment, section read as follows: “The revolving

fund established under section 1321(k) of this title shall be available to the Secretary for Federal actions and activities under section 1474 of this title.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of this title.

**§ 1487. Effective date**

This chapter shall be effective upon February 5, 1974, or upon the date the convention becomes effective as to the United States, whichever is later.

(Pub. L. 93-248, §18, Feb. 5, 1974, 88 Stat. 10.)

REFERENCES IN TEXT

The date the convention became effective as to the United States, referred to in text, is May 6, 1975.

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95-302, §2, June 26, 1978, 92 Stat. 345, provided that: “This Act [amending sections 1471 to 1473, 1479, 1482, and 1484 of this title] shall be effective upon the date of enactment [June 26, 1978], or upon the date the protocol becomes effective as to the United States, whichever is later.” [The protocol was adopted by the United States on Sept. 7, 1978, to be effective as to the United States upon its adoption by 15 countries. The protocol became effective as to the United States Mar. 30, 1983.]

**CHAPTER 29—DEEPWATER PORTS**

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| <p>Sec.<br/>1501.<br/>1502.<br/>1503.</p> | <p>Congressional declaration of policy.<br/>Definitions.<br/>License for ownership, construction, and operation of deepwater port.<br/>    (a) Requirement; restrictions on utilization of deepwater port.<br/>    (b) Issuance, transfer, amendment, or reinstatement.<br/>    (c) Conditions for issuance.<br/>    (d) Application for license subject to examination and comparison of economic, social, and environmental effects of deepwater port facility and deep draft channel and harbor; finality of determination.<br/>    (e) Additional conditions; removal requirements, waiver; Outer Continental Shelf Lands Act applicable to utilization of components upon waiver of removal requirements.<br/>    (f) Amendment, transfer, or reinstatement of license.<br/>    (g) Eligible citizens.<br/>    (h) Term of license.</p> |
| <p>1504.</p>                              | <p>Procedure.<br/>    (a) Regulations; issuance, amendment, or rescission; scope.<br/>    (b) Additional regulations; criteria for site evaluation and preconstruction testing.<br/>    (c) Plans; submittal to Secretary of Transportation; publication in Federal Register; application contents.<br/>    (d) Application area; publication in Federal Register; “application area” defined; submission of other applications; notice of intent and submission of completed applications; denial of pending application prior to consideration of other untimely applications.</p>   |

| Sec.  |  | Sec.         |  |
|-------|--|--------------|--|
|       | (e) Recommendations to Secretary of Transportation; application for all Federal authorizations; copies of application to Federal agencies and departments with jurisdiction; recommendation of approval or disapproval and of manner of amendment to comply with laws or regulations.  | 1512.        | Recordkeeping and inspection.<br>(a) Regulations; regulations under other provisions unaffected.<br>(b) Access to deepwater ports in enforcement proceedings and execution of official duties; inspections and tests; notification of results.   |
|       | (f) Environmental impact statement for single application area; criteria.  | 1513.        | Public access to information.<br>(a) Inspection of copies; reproduction costs; protected information.<br>(b) Information disclosure prohibition; confidentiality of certain disclosures.   |
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|       | (h) Nonrefundable application fee; processing costs; State fees; "land-based facilities directly related to a deepwater port facility" defined; fair market rental value, advance payment.   | 1515.        | Citizen civil action.<br>(a) Equitable relief; case or controversy; district court jurisdiction.<br>(b) Notice; intervention of right by person.<br>(c) Intervention of right by Secretary or Attorney General.<br>(d) Costs of litigation; attorney and witness fees.<br>(e) Statutory or common law rights unaffected.   |
| 1505. | Environmental review criteria.<br>(a) Establishment; evaluation of proposed deepwater ports.<br>(b) Review and revision.<br>(c) Concurrent development of criteria and regulations.  | 1516.        | Judicial review; persons aggrieved; jurisdiction of courts of appeal.  |
| 1506. | Antitrust review.<br>(a) Opinions of Attorney General and Federal Trade Commission; defense to judicial proceedings, license inadmissible.<br>(b) Applications; submittal to Attorney General and Federal Trade Commission for preparation of reports to Secretary of Transportation; antitrust laws unaffected.   | 1517, 1517a. | Repealed or Omitted.   |
| 1507. | Common carrier status.<br>(a) Status of deepwater ports and storage facilities.<br>(b) Discrimination prohibition; exceptions.<br>(c) Enforcement, suspension, or termination proceedings.   | 1518.        | Relationship to other laws.<br>(a) Federal Constitution, laws, and treaties applicable; other Federal requirements applicable; status of deepwater port; Federal or State authorities and responsibilities within territorial seas unaffected; notification by Secretary of State of intent to exercise jurisdiction; objections by foreign governments.<br>(b) Law of nearest adjacent coastal State as applicable Federal law; Federal administration and enforcement of such law; nearest adjacent coastal State defined.<br>(c) Vessels of United States and foreign states subject to Federal jurisdiction; objections to jurisdiction; designation of agent for service of process; duty of licensee.<br>(d) Customs laws inapplicable to deepwater port; duties and taxes on foreign articles imported into customs territory of United States.<br>(e) Federal district courts; original jurisdiction; venue. |
| 1508. | Adjacent coastal States.<br>(a) Designation; direct pipeline connections; mileage; risk of damage to coastal environment, time for designation.<br>(b) Applications; submittal to Governors for approval or disapproval; consistency of Federal licenses and State programs; views of other interested States.<br>(c) Reasonable progress toward development of coastal zone management program; planning grants.<br>(d) State agreements or compacts. | 1519.        | Annual report by Secretary to Congress; recommendations to Congress.   |
| 1509. | Marine environmental protection and navigational safety.<br>(a) Regulations and procedures.<br>(b) Safety of property and life; regulations.<br>(c) Marking of components; payment of cost.<br>(d) Safety zones; designation; construction period; permitted activities.   | 1520.        | Pipeline safety and operation.<br>(a) Standards and regulations for Outer Continental Shelf.<br>(b), (c) Omitted.  |
| 1510. | International agreements.  | 1521.        | Negotiations with Canada and Mexico; report to Congress.   |
| 1511. | Suspension or termination of licenses.<br>(a) Proceedings by Attorney General; venue; conditions subsequent.<br>(b) Public health or safety; danger to environment; completion of proceedings.   | 1522.        | Limitations on export provisions of section 185(u) of title 30 unaffected.   |
|       |  | 1523.        | General procedures; issuance and enforcement of orders; scope of authority; evidentiary matters.   |
|       |  | 1524.        | Authorization of appropriations.   |

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1321, 2701 of this title; title 26 section 9509; title 42 section 9611; title 46 section 3703a.

**§ 1501. Congressional declaration of policy**

(a) It is declared to be the purposes of the Congress in this chapter to—

(1) authorize and regulate the location, ownership, construction, and operation of deepwater ports in waters beyond the territorial limits of the United States;

(2) provide for the protection of the marine and coastal environment to prevent or minimize any adverse impact which might occur as a consequence of the development of such ports;

(3) protect the interests of the United States and those of adjacent coastal States in the location, construction, and operation of deepwater ports; and

(4) protect the rights and responsibilities of States and communities to regulate growth, determine land use, and otherwise protect the environment in accordance with law.

(b) The Congress declares that nothing in this chapter shall be construed to affect the legal status of the high seas, the superjacent airspace, or the seabed and subsoil, including the Continental Shelf.

(Pub. L. 93-627, § 2, Jan. 3, 1975, 88 Stat. 2126.)

## SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-419, § 1, Sept. 25, 1984, 98 Stat. 1607, provided: "That this Act [amending sections 1502, 1503, 1504, 1506, 1507, 1517, and 1518 of this title and enacting provisions set out as a note under section 1518 of this title] may be cited as the 'Deepwater Port Act Amendments of 1984'."

## SHORT TITLE

Section 1 of Pub. L. 93-627 provided: "That this Act [enacting this chapter and amending section 1333 of Title 43, Public Lands] may be cited as the 'Deepwater Port Act of 1974'."

## DEPOSIT OF CERTAIN PENALTIES INTO OIL SPILL LIABILITY TRUST FUND

Penalties paid pursuant to this chapter and sections 1319(c) and 1321 of this title to be deposited in the Oil Spill Liability Trust Fund created under section 9509 of Title 26, Internal Revenue Code, see section 4304 of Pub. L. 101-380, set out as a note under section 9509 of Title 26.

## ENVIRONMENTAL EFFECTS ABROAD OF MAJOR FEDERAL ACTIONS

For provisions relating to environmental effects abroad of major Federal actions, see Ex. Ord. No. 12114, Jan. 4, 1979, 44 F.R. 1957, set out as a note under section 4321 of Title 42, The Public Health and Welfare.

**§ 1502. Definitions**

As used in this chapter, unless the context otherwise requires, the term—

(1) "adjacent coastal State" means any coastal State which (A) would be directly connected by pipeline to a deepwater port, as proposed in an application; (B) would be located within 15 miles of any such proposed deepwater port; or (C) is designated by the Secretary in accordance with section 1508(a)(2) of this title;

(2) "affiliate" means any entity owned or controlled by, any person who owns or controls, or any entity which is under common ownership or control with an applicant, licensee, or any person required to be disclosed pursuant to section 1504(c)(2)(A) or (B) of this title;

(3) "antitrust laws" includes the Act of July 2, 1890, as amended, the Act of October 15, 1914, as amended, the Federal Trade Commission Act (15 U.S.C. 41 et seq.), and sections 73 and 74 of the Act of August 27, 1894, as amended;

(4) "application" means an application submitted under this Act for a license for the ownership, construction, and operation of a deepwater port;

(5) "citizen of the United States" means any person who is a United States citizen by law, birth, or naturalization, any State, any agency of a State or a group of States, or any corporation, partnership, or association organized under the laws of any State which has as its president or other executive officer and as its chairman of the board of directors, or holder of a similar office, a person who is a United States citizen by law, birth or naturalization and which has no more of its directors who are not United States citizens by law, birth or naturalization than constitute a minority of the number required for a quorum necessary to conduct the business of the board;

(6) "coastal environment" means the navigable waters (including the lands therein and thereunder) and the adjacent shorelines including<sup>1</sup> waters therein and thereunder). The term includes transitional and intertidal areas, bays, lagoons, salt marshes, estuaries, and beaches; the fish, wildlife and other living resources thereof; and the recreational and scenic values of such lands, waters and resources;

(7) "coastal State" means any State of the United States in or bordering on the Atlantic, Pacific, or Arctic Oceans, or the Gulf of Mexico;

(8) "construction" means the supervising, inspection, actual building, and all other activities incidental to the building, repairing, or expanding of a deepwater port or any of its components, including, but not limited to, pile driving and bulkheading, and alterations, modifications, or additions to the deepwater port;

(9) "control" means the power, directly or indirectly, to determine the policy, business practices, or decisionmaking process of another person, whether by stock or other ownership interest, by representation on a board of directors or similar body, by contract or other agreement with stockholders or others, or otherwise;

(10) "deepwater port" means any fixed or floating manmade structures other than a vessel, or any group of such structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for the loading or unloading and further handling of

<sup>1</sup> So in original. Probably should be preceded by an opening parenthesis.

oil for transportation to any State, except as otherwise provided in section 1522 of this title. The term includes all associated components and equipment, including pipelines, pumping stations, service platforms, mooring buoys, and similar appurtenances to the extent they are located seaward of the high water mark. A deepwater port shall be considered a “new source” for purposes of the Clean Air Act, as amended [42 U.S.C. 7401 et seq.], and the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 et seq.];

(11) “Governor” means the Governor of a State or the person designated by State law to exercise the powers granted to the Governor pursuant to this chapter;

(12) “licensee” means a citizen of the United States holding a valid license for the ownership, construction, and operation of a deepwater port that was issued, transferred, or renewed pursuant to this chapter;

(13) “marine environment” includes the coastal environment, waters of the contiguous zone, and waters of the high seas; the fish, wildlife, and other living resources of such waters; and the recreational and scenic values of such waters and resources;

(14) “oil” means petroleum, crude oil, and any substance refined from petroleum or crude oil;

(15) “person” includes an individual, a public or private corporation, a partnership or other association, or a government entity;

(16) “safety zone” means the safety zone established around a deepwater port as determined by the Secretary in accordance with section 1509(d) of this title;

(17) “Secretary” means the Secretary of Transportation;

(18) “State” includes each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States; and

(19) “vessel” means every description of watercraft or other artificial contrivance used as a means of transportation on or through the water.

(Pub. L. 93-627, § 3, Jan. 3, 1975, 88 Stat. 2127; Pub. L. 98-419, § 2(a), Sept. 25, 1984, 98 Stat. 1607.)

#### REFERENCES IN TEXT

Act of July 2, 1890, as amended, referred to in par. (3), is act July 2, 1890, ch. 647, 26 Stat. 209, as amended, known as the Sherman Act, which is classified to sections 1 to 7 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1 of Title 15 and Tables.

Act of October 15, 1914, as amended, referred to in par. (3), is act Oct. 15, 1914, ch. 323, 38 Stat. 730, as amended, known as the Clayton Act, which is classified generally to sections 12, 13, 14 to 19, 20, 21, and 22 to 27 of Title 15 and sections 52 and 53 of Title 29, Labor. For further details and complete classification of this Act to the Code, see References in Text note set out under section 12 of Title 15 and Tables.

The Federal Trade Commission Act, referred to in par. (3), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of Title 15. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

Sections 73 and 74 of the Act of August 27, 1894, as amended, referred to in par. (3) are classified to sections 8 and 9, respectively, of Title 15.

The Clean Air Act, referred to in par. (10), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (§ 7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The Federal Water Pollution Control Act, as amended, referred to in par. (10), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

#### AMENDMENTS

1984—Par. (4). Pub. L. 98-419 substituted “means an application” for “means any application”, struck out designation “(A)” before “for a license”, and struck out cls. (B) and (C) which provided that “application” meant any application submitted under this chapter for transfer of any license referred to in this paragraph, or for any substantial change in any of the conditions and provisions of any such license.

#### TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2704 of this title; title 16 section 1453.

### § 1503. License for ownership, construction, and operation of deepwater port

#### (a) Requirement; restrictions on utilization of deepwater port

No person may engage in the ownership, construction, or operation of a deepwater port except in accordance with a license issued pursuant to this chapter. No person may transport or otherwise transfer any oil between a deepwater port and the United States unless such port has been so licensed and the license is in force. A deepwater port, licensed pursuant to the provisions of this chapter, may not be utilized—

(1) for the loading and unloading of commodities or materials (other than oil) transported from the United States, other than materials to be used in the construction, maintenance, or operation of the high seas oil port, to be used as ship supplies, including bunkering for vessels utilizing the high seas oil port,

(2) for the transshipment of commodities or materials, to the United States, other than oil,

(3) except in cases where the Secretary otherwise by rule provides, for the transshipment of oil, destined for locations outside the United States.

#### (b) Issuance, transfer, amendment, or reinstatement

The Secretary may—

(1) on application, issue a license for the ownership, construction, and operation of a deepwater port; and

(2) on petition of the licensee, amend, transfer, or reinstate a license issued under this chapter.

#### (c) Conditions for issuance

The Secretary may issue a license in accordance with the provisions of this chapter if—

(1) he determines that the applicant is financially responsible and will meet the requirements of section 2716 of this title<sup>1</sup>

(2) he determines that the applicant can and will comply with applicable laws, regulations, and license conditions;

(3) he determines that the construction and operation of the deepwater port will be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality;

(4) he determines that the deepwater port will not unreasonably interfere with international navigation or other reasonable uses of the high seas, as defined by treaty, convention, or customary international law;

(5) he determines, in accordance with the environmental review criteria established pursuant to section 1505 of this title, that the applicant has demonstrated that the deepwater port will be constructed and operated using best available technology, so as to prevent or minimize adverse impact on the marine environment;

(6) he has not been informed, within 45 days of the last public hearing on a proposed license for a designated application area, by the Administrator of the Environmental Protection Agency that the deepwater port will not conform with all applicable provisions of the Clean Air Act, as amended [42 U.S.C. 7401 et seq.], the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 et seq.], or the Marine Protection, Research and Sanctuaries Act, as amended [16 U.S.C. 1431 et seq., 1447 et seq.; 33 U.S.C. 1401 et seq., 2801 et seq.];

(7) he has received the opinions of the Federal Trade Commission and the Attorney General, pursuant to section 1506 of this title, as to whether issuance of the license would adversely affect competition, restrain trade, promote monopolization, or otherwise create a situation in contravention of the antitrust laws;

(8) he has consulted with the Secretary of the Army, the Secretary of State, and the Secretary of Defense, to determine their views on the adequacy of the application, and its effect on programs within their respective jurisdictions;

(9) the Governor of the adjacent coastal State of States, pursuant to section 1508 of this title, approves, or is presumed to approve, issuance of the license; and

(10) the adjacent coastal State to which the deepwater port is to be directly connected by pipeline has developed, or is making, at the time the application is submitted, reasonable progress, as determined in accordance with section 1508(c) of this title, toward developing, an approved coastal zone management program pursuant to the Coastal Zone Management Act of 1972 [16 U.S.C. 1451 et seq.].

**(d) Application for license subject to examination and comparison of economic, social, and environmental effects of deepwater port facility and deep draft channel and harbor; finality of determination**

If an application is made under this chapter for a license to construct a deepwater port facility off the coast of a State, and a port of the State which will be directly connected by pipeline with such deepwater port, on the date of such application—

(1) has existing plans for construction of a deep draft channel and harbor; and

(2) has either (A) an active study by the Secretary of the Army relating to the construction of a deep draft channel and harbor, or (B) a pending application for a permit under section 403 of this title for such construction; and

(3) applies to the Secretary for a determination under this section within 30 days of the date of the license application;

the Secretary shall not issue a license under this chapter until he has examined and compared the economic, social, and environmental effects of the construction and operation of the deepwater port with the economic, social and environmental effects of the construction, expansion, deepening, and operation of such State port, and has determined which project best serves the national interest or that both developments are warranted. The Secretary's determination shall be discretionary and nonreviewable.

**(e) Additional conditions; removal requirements, waiver; Outer Continental Shelf Lands Act applicable to utilization of components upon waiver of removal requirements**

(1) In issuing a license for the ownership, construction, and operation of a deepwater port, the Secretary shall prescribe any conditions which he deems necessary to carry out the provisions of this chapter, or which are otherwise required by any Federal department or agency pursuant to the terms of this chapter. On petition of a licensee, the Secretary shall review any condition of a license issued under this chapter to determine if that condition is uniform, insofar as practicable, with the conditions of other licenses issued under this chapter, reasonable, and necessary to meet the objectives of this chapter. The Secretary shall amend or rescind any condition that is no longer necessary or otherwise required by any Federal department or agency under this chapter.

(2) No license shall be issued, transferred, or renewed under this chapter unless the licensee or transferee first agrees in writing that (A) there will be no substantial change from the plans, operational systems, and methods, procedures, and safeguards set forth in his application, as approved, without prior approval in writing from the Secretary; and (B) he will comply with any condition the Secretary may prescribe in accordance with the provisions of this chapter.

(3) The Secretary shall establish such bonding requirements or other assurances as he deems necessary to assure that, upon the revocation or termination of a license, the licensee will remove all components of the deepwater port. In

<sup>1</sup> So in original. Probably should be followed by a semicolon.

the case of components lying in the subsoil below the seabed, the Secretary is authorized to waive the removal requirements if he finds that such removal is not otherwise necessary and that the remaining components do not constitute any threat to navigation or to the environment. At the request of the licensee, the Secretary, after consultation with the Secretary of the Interior, is authorized to waive the removal requirement as to any components which he determines may be utilized in connection with the transportation of oil, natural gas, or other minerals, pursuant to a lease granted under the provisions of the Outer Continental Shelf Lands Act [43 U.S.C. 1331 et seq.], after which waiver the utilization of such components shall be governed by the terms of the Outer Continental Shelf Lands Act.

**(f) Amendment, transfer, or reinstatement of license**

The Secretary may amend, transfer, or reinstate a license issued under this chapter if the amendment, transfer, or reinstatement is consistent with the findings made at the time the license was issued.

**(g) Eligible citizens**

Any citizen of the United States who otherwise qualifies under the terms of this chapter shall be eligible to be issued a license for the ownership, construction, and operation of a deepwater port.

**(h) Term of license**

A license issued under this chapter remains in effect unless suspended or revoked by the Secretary or until surrendered by the licensee.

(Pub. L. 93-627, § 4, Jan. 3, 1975, 88 Stat. 2128; Pub. L. 98-419, § 2(b)-(e), Sept. 25, 1984, 98 Stat. 1607; Pub. L. 101-380, title II, § 2003(a)(1), Aug. 18, 1990, 104 Stat. 507.)

REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (c)(6), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The Federal Water Pollution Control Act, as amended, referred to in subsec. (c)(6), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

The Marine Protection, Research and Sanctuaries Act, referred to subsec. (c)(6), probably means Pub. L. 92-532, Oct. 23, 1972, 86 Stat. 1052, as amended, known as the Marine Protection, Research, and Sanctuaries Act of 1972, which is classified generally to chapters 27 (§1401 et seq.) and 41 (§2801 et seq.) of this title and chapters 32 (§1431 et seq.) and 32A (§1447 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1401 of this title and Tables.

The antitrust laws, referred to in subsec. (c)(7), include the laws specified in section 1502(3) of this title.

The Coastal Zone Management Act of 1972, referred to in subsec. (c)(10), is title III of Pub. L. 89-454, as added by Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1280, as amended, which is classified generally to chapter 33 (§1451 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of Title 16 and Tables.

The Outer Continental Shelf Lands Act, referred to in subsec. (e)(3), is act Aug. 7, 1953, ch. 345, § 2, 67 Stat. 462, as amended, which is classified generally to subchapter III (§1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of Title 43 and Tables.

AMENDMENTS

1990—Subsec. (c)(1). Pub. L. 101-380 substituted “section 2716 of this title” for “section 1517(l) of this title;”.

1984—Subsec. (b). Pub. L. 98-419, § 2(b), substituted provisions authorizing the Secretary, on application, to issue a license for the ownership, construction, and operation of a deepwater port and, on petition of the licensee, to amend, transfer, or reinstate a license issued under this chapter for provisions which had authorized the Secretary, upon application and in accordance with the provisions of this chapter, to issue, transfer, amend, or renew a license for the ownership, construction, and operation of a deepwater port.

Subsec. (e)(1). Pub. L. 98-419, § 2(e), inserted provision that on petition of a licensee, the Secretary shall review any condition of a license issued under this chapter to determine if that condition is uniform, insofar as practicable, with the conditions of other licenses issued under this chapter and is reasonable, and necessary to meet the objectives of this chapter, and that the Secretary shall amend or rescind any condition that is no longer necessary or otherwise required by any Federal department or agency under this chapter.

Subsec. (f). Pub. L. 98-419, § 2(c), substituted provisions authorizing the Secretary to amend, transfer, or reinstate a license issued under this chapter if the amendment, transfer, or reinstatement is consistent with the findings made at the time the license was issued for provisions which had authorized the Secretary to transfer such licenses if the Secretary determined that such transfer was in the public interest and that the transferee met the requirements of this chapter and the prerequisites to issuance under subsec. (c) of this section.

Subsec. (h). Pub. L. 98-419, § 2(d), substituted provision that a license issued under this chapter remain in effect unless suspended or revoked by the Secretary or until surrendered by the licensee for provisions which had limited the terms of licenses to not more than 20 years and which had granted each licensee a preferential right of renewal for not more than 10 years, subject to subsec. (c), upon such conditions and for such term as determined by the Secretary to be reasonable and appropriate.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1506 of this title; title 16 section 1453.

**§ 1504. Procedure**

**(a) Regulations; issuance, amendment, or rescission; scope**

The Secretary shall, as soon as practicable after January 3, 1975, and after consultation with other Federal agencies, issue regulations to carry out the purposes and provisions of this chapter in accordance with the provisions of section 553 of title 5, without regard to subsection (a) thereof. Such regulations shall pertain to, but need not be limited to, application, issuance, transfer, renewal, suspension, and termination of licenses. Such regulations shall provide for full consultation and cooperation with

all other interested Federal agencies and departments and with any potentially affected coastal State, and for consideration of the views of any interested members of the general public. The Secretary is further authorized, consistent with the purposes and provisions of this chapter, to amend or rescind any such regulation.

**(b) Additional regulations; criteria for site evaluation and preconstruction testing**

The Secretary, in consultation with the Secretary of the Interior and the Administrator of the National Oceanic and Atmospheric Administration, shall, as soon as practicable after January 3, 1975, prescribe regulations relating to those activities involved in site evaluation and preconstruction testing at potential deepwater port locations that may (1) adversely affect the environment; (2) interfere with authorized uses of the Outer Continental Shelf; or (3) pose a threat to human health and welfare. Such activity may thenceforth not be undertaken except in accordance with regulations prescribed pursuant to this subsection. Such regulations shall be consistent with the purposes of this chapter.

**(c) Plans; submittal to Secretary of Transportation; publication in Federal Register; application contents**

(1) Any person making an application under this chapter shall submit detailed plans to the Secretary. Within 21 days after the receipt of an application, the Secretary shall determine whether the application appears to contain all of the information required by paragraph (2) hereof. If the Secretary determines that such information appears to be contained in the application, the Secretary shall, no later than 5 days after making such a determination, publish notice of the application and a summary of the plans in the Federal Register. If the Secretary determines that all of the required information does not appear to be contained in the application, the Secretary shall notify the applicant and take no further action with respect to the application until such deficiencies have been remedied.

(2) Each application shall include such financial, technical, and other information as the Secretary deems necessary or appropriate. Such information shall include, but need not be limited to—

(A) the name, address, citizenship, telephone number, and the ownership interest in the applicant, of each person having any ownership interest in the applicant of greater than 3 per centum;

(B) to the extent feasible, the name, address, citizenship, and telephone number of any person with whom the applicant has made, or proposes to make, a significant contract for the construction or operation of the deepwater port and a copy of any such contract;

(C) the name, address, citizenship, and telephone number of each affiliate of the applicant and of any person required to be disclosed pursuant to subparagraphs (A) or (B) of this paragraph, together with a description of the manner in which such affiliate is associated with the applicant or any person required to be disclosed under subparagraph (A) or (B) of this paragraph;

(D) the proposed location and capacity of the deepwater port, including all components thereof;

(E) the type and design of all components of the deepwater port and any storage facilities associated with the deepwater port;

(F) with respect to construction in phases, a detailed description of each phase, including anticipated dates of completion for each of the specific components thereof;

(G) the location and capacity of existing and proposed storage facilities and pipelines which will store or transport oil transported through the deepwater port, to the extent known by the applicant or any person required to be disclosed pursuant to subparagraphs (A), (B), or (C) of this paragraph;

(H) with respect to any existing and proposed refineries which will receive oil transported through the deepwater port, the location and capacity of each such refinery and the anticipated volume of such oil to be refined by each such refinery, to the extent known by the applicant or any person required to be disclosed pursuant to subparagraphs (A), (B), or (C) of this paragraph;

(I) the financial and technical capabilities of the applicant to construct or operate the deepwater port;

(J) other qualifications of the applicant to hold a license under this chapter;

(K) a description of procedures to be used in constructing, operating, and maintaining the deepwater port, including systems of oil spill prevention, containment, and cleanup; and

(L) such other information as may be required by the Secretary to determine the environmental impact of the proposed deepwater port.

**(d) Application area; publication in Federal Register; "application area" defined; submission of other applications; notice of intent and submission of completed applications; denial of pending application prior to consideration of other untimely applications**

(1) At the time notice of an application is published pursuant to subsection (c) of this section, the Secretary shall publish a description in the Federal Register of an application area encompassing the deepwater port site proposed by such application and within which construction of the proposed deepwater port would eliminate, at the time such application was submitted, the need for any other deepwater port within that application area.

(2) As used in this section, "application area" means any reasonable geographical area within which a deepwater port may be constructed and operated. Such application area shall not exceed a circular zone, the center of which is the principal point of loading and unloading at the port, and the radius of which is the distance from such point to the high water mark of the nearest adjacent coastal State.

(3) The Secretary shall accompany such publication with a call for submission of any other applications for licenses for the ownership, construction, and operation of a deepwater port within the designated application area. Persons intending to file applications for such license

shall submit a notice of intent to file an application with the Secretary not later than 60 days after the publication of notice pursuant to subsection (c) of this section and shall submit the completed application no later than 90 days after publication of such notice. The Secretary shall publish notice of any such application received in accordance with subsection (c) of this section. No application for a license for the ownership, construction, and operation of a deepwater port within the designated application area for which a notice of intent to file was received after such 60-day period, or which is received after such 90-day period has elapsed, shall be considered until the application pending with respect to such application area have been denied pursuant to this chapter.

**(e) Recommendations to Secretary of Transportation; application for all Federal authorizations; copies of application to Federal agencies and departments with jurisdiction; recommendation of approval or disapproval and of manner of amendment to comply with laws or regulations**

(1) Not later than 30 days after January 3, 1975, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chief of Engineers of the United States Army Corps of Engineers, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of any other Federal department or agencies having expertise concerning, or jurisdiction over, any aspect of the construction or operation of deepwater ports shall transmit to the Secretary written comments as to their expertise or statutory responsibilities pursuant to this chapter or any other Federal law.

(2) An application filed with the Secretary shall constitute an application for all Federal authorizations required for ownership, construction, and operation of a deepwater port. At the time notice of any application is published pursuant to subsection (c) of this section, the Secretary shall forward a copy of such application to those Federal agencies and departments with jurisdiction over any aspect of such ownership, construction, or operation for comment, review, or recommendation as to conditions and for such other action as may be required by law. Each agency or department involved shall review the application and, based upon legal considerations within its area of responsibility, recommend to the Secretary, the approval or disapproval of the application not later than 45 days after the last public hearing on a proposed license for a designated application area. In any case in which the agency or department recommends disapproval, it shall set forth in detail the manner in which the application does not comply with any law or regulation within its area of responsibility and shall notify the Secretary how the application may be amended so as to bring it into compliance with the law or regulation involved.

**(f) Environmental impact statement for single application area; criteria**

For all timely applications covering a single application area, the Secretary, in cooperation with other involved Federal agencies and departments, shall, pursuant to section 4332(2)(C)

of title 42, prepare a single, detailed environmental impact statement, which shall fulfill the requirement of all Federal agencies in carrying out their responsibilities pursuant to this chapter to prepare an environmental impact statement. In preparing such statement the Secretary shall consider the criteria established under section 1505 of this title.

**(g) Public notice and hearings; evidentiary hearing in District of Columbia; decision of Secretary based on evidentiary record; consolidation of hearings**

A license may be issued only after public notice and public hearings in accordance with this subsection. At least one such public hearing shall be held in each adjacent coastal State. Any interested person may present relevant material at any hearing. After hearings in each adjacent coastal State are concluded if the Secretary determines that there exists one or more specific and material factual issues which may be resolved by a formal evidentiary hearing, at least one adjudicatory hearing shall be held in accordance with the provisions of section 554 of title 5 in the District of Columbia. The record developed in any such adjudicatory hearing shall be basis for the Secretary's decision to approve or deny a license. Hearings held pursuant to this subsection shall be consolidated insofar as practicable with hearings held by other agencies. All public hearings on all applications for any designated application area shall be consolidated and shall be concluded not later than 240 days after notice of the initial application has been published pursuant to subsection (c) of this section.

**(h) Nonrefundable application fee; processing costs; State fees; "land-based facilities directly related to a deepwater port facility" defined; fair market rental value, advance payment**

(1) Each person applying for a license pursuant to this chapter shall remit to the Secretary at the time the application is filed a nonrefundable application fee established by regulation by the Secretary. In addition, an applicant shall also reimburse the United States and the appropriate adjacent coastal State for any additional costs incurred in processing an application.

(2) Notwithstanding any other provision of this chapter, an adjacent coastal State may fix reasonable fees for the use of a deepwater port facility, and such State and any other State in which land-based facilities directly related to a deepwater port facility are located may set reasonable fees for the use of such land-based facilities. Fees may be fixed under authority of this paragraph as compensation for any economic cost attributable to the construction and operation of such deepwater port and such land-based facilities, which cannot be recovered under other authority of such State or political subdivision thereof, including, but not limited to, ad valorem taxes, and for environmental and administrative costs attributable to the construction and operation of such deepwater port and such land-based facilities. Fees under this paragraph shall not exceed such economic, environmental, and administrative costs of such State. Such fees shall be subject to the approval



of the Secretary. As used in this paragraph, the term “land-based facilities directly related to a deepwater port facility” means the onshore tank farm and pipelines connecting such tank farm to the deepwater port facility.

(3) A licensee shall pay annually in advance the fair market rental value (as determined by the Secretary of the Interior) of the subsoil and seabed of the Outer Continental Shelf of the United States to be utilized by the deepwater port, including the fair market rental value of the right-of-way necessary for the pipeline segment of the port located on such subsoil and seabed.

**(i) Application approval; period for determination; priorities; criteria for determination of application best serving national interest**

(1) The Secretary shall approve or deny any application for a designated application area submitted pursuant to this chapter not later than 90 days after the last public hearing on a proposed license for that area.

(2) In the event more than one application is submitted for an application area, the Secretary, unless one of the proposed deepwater ports clearly best serves the national interest, shall issue a license according to the following order of priorities:

(A) to an adjacent coastal State (or combination of States), any political subdivision thereof, or agency or instrumentality, including a wholly owned corporation of any such government;

(B) to a person who is neither (i) engaged in producing, refining, or marketing oil, nor (ii) an affiliate of any person who is engaged in producing, refining, or marketing oil or an affiliate of any such affiliate;

(C) to any other person.

(3) In determining whether any one proposed deepwater port clearly best serves the national interest, the Secretary shall consider the following factors:

(A) the degree to which the proposed deepwater ports affect the environment, as determined under criteria established pursuant to section 1505 of this title;

(B) any significant differences between anticipated completion dates for the proposed deepwater ports; and

(C) any differences in costs of construction and operation of the proposed deepwater ports, to the extent that such differential may significantly affect the ultimate cost of oil to the consumer.

(Pub. L. 93-627, § 5, Jan. 3, 1975, 88 Stat. 2131; Pub. L. 98-419, § 2(f), Sept. 25, 1984, 98 Stat. 1607.)

**AMENDMENTS**

1984—Subsec. (g). Pub. L. 98-419 substituted “issued” for “issued, transferred, or renewed”.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 1503, 1505, 1508, 1509, 1513 of this title.

**§ 1505. Environmental review criteria**

**(a) Establishment; evaluation of proposed deepwater ports**

The Secretary, in accordance with the recommendations of the Administrator of the Envi-

ronmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration and after consultation with any other Federal departments and agencies having jurisdiction over any aspect of the construction or operation of a deepwater port, shall establish, as soon as practicable after January 3, 1975, environmental review criteria consistent with the National Environmental Policy Act [42 U.S.C. 4321 et seq.]. Such criteria shall be used to evaluate a deepwater port as proposed in an application, including—

(1) the effect on the marine environment;

(2) the effect on oceanographic currents and wave patterns;

(3) the effect on alternate uses of the oceans and navigable waters, such as scientific study, fishing, and exploitation of other living and nonliving resources;

(4) the potential dangers to a deepwater port from waves, winds, weather, and geological conditions, and the steps which can be taken to protect against or minimize such dangers;

(5) effects of land-based developments related to deepwater port development;

(6) the effect on human health and welfare; and

(7) such other considerations as the Secretary deems necessary or appropriate.

**(b) Review and revision**

The Secretary shall periodically review and, whenever necessary, revise in the same manner as originally developed, criteria established pursuant to subsection (a) of this section.

**(c) Concurrent development of criteria and regulations**

Criteria established pursuant to this section shall be developed concurrently with the regulations in subsection (a) of section 1504 of this title and in accordance with the provisions of that subsection.

(Pub. L. 93-627, § 6, Jan. 3, 1975, 88 Stat. 2135.)

**REFERENCES IN TEXT**

The National Environmental Policy Act, referred to in subsec. (a), is Pub. L. 91-190, § 2, Jan. 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 1503, 1504 of this title.

**§ 1506. Antitrust review**

**(a) Opinions of Attorney General and Federal Trade Commission; defense to judicial proceedings, license inadmissible**

The Secretary shall not issue any license pursuant to section 1503 of this title unless he has received the opinions of the Attorney General of the United States and the Federal Trade Commission as to whether such action would adversely affect competition, restrain trade, promote monopolization, or otherwise create a situation in contravention of the antitrust laws. The issuance of a license under this chapter shall not be admissible in any way as a defense

to any civil or criminal action for violation of the antitrust laws of the United States, nor shall it in any way modify or abridge any private right of action under such laws.

**(b) Applications; submittal to Attorney General and Federal Trade Commission for preparation of reports to Secretary of Transportation; antitrust laws unaffected**

(1) The Secretary shall transmit promptly to the Attorney General and the Federal Trade Commission a complete copy of each application for issuance of a license or a petition for the amendment, transfer, or reinstatement of a license that is received. Within 45 days following the last public hearing on license application, the Attorney General and the Federal Trade Commission shall each prepare and submit to the Secretary a report assessing the competitive effects which may result from issuance of the proposed license and the opinions described in subsection (a) of this section. If either the Attorney General or the Federal Trade Commission, or both, fails to file such views within such period, the Secretary shall proceed as if he had received such views.

(2) Nothing in this section shall be construed to bar the Attorney General or the Federal Trade Commission from challenging any anti-competitive situation involved in the ownership, construction, or operation of a deepwater port.

(3) Nothing contained in this section shall impair, amend, broaden or modify any of the antitrust laws.

(Pub. L. 93-627, § 7, Jan. 3, 1975, 88 Stat. 2135; Pub. L. 98-419, § 2(g), (h), Sept. 25, 1984, 98 Stat. 1607.)

REFERENCES IN TEXT

The antitrust laws, referred to in subsecs. (a) and (b)(3), include the laws specified in section 1502(3) of this title.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-419, § 2(g), substituted “issue” for “issue, transfer, or renew”.

Subsec. (b)(1). Pub. L. 98-419, § 2(h), substituted provisions requiring the Secretary transmit promptly to the Attorney General and the Federal Trade Commission a complete copy of each application for issuance of a license or a petition for the amendment, transfer, or reinstatement of a license that is received for provisions which had required that whenever any application for issuance, transfer, substantial change in, or renewal of any license was received, the Secretary was required to transmit promptly to the Attorney General and the Federal Trade Commission a complete copy of such application, and inserted “on license application” after “public hearing”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1503 of this title.

**§ 1507. Common carrier status**

**(a) Status of deepwater ports and storage facilities**

A deepwater port and a storage facility serviced directly by that deepwater port shall operate as a common carrier under applicable provisions of part I of the Interstate Commerce Act and subtitle IV of title 49, except as provided by subsection (b) of this section.

**(b) Discrimination prohibition; exceptions**

A licensee under this chapter shall accept, transport, or convey without discrimination all

oil delivered to the deepwater port with respect to which its license is issued. However, a licensee is not subject to common carrier regulations under subsection (a) of this section when that licensee—

(1) is subject to effective competition for the transportation of oil from alternative transportation systems; and

(2) sets its rates, fees, charges, and conditions of service on the basis of competition, giving consideration to other relevant business factors such as the market value of services provided, licensee's cost of operation, and the licensee's investment in the deepwater port and a storage facility, and components thereof, serviced directly by that deepwater port.

**(c) Enforcement, suspension, or termination proceedings**

When the Secretary has reason to believe that a licensee is not in compliance with this section, the Secretary shall commence an appropriate proceeding before the Federal Energy Regulatory Commission or request the Attorney General to take appropriate steps to enforce compliance with this section and, when appropriate, to secure the imposition of appropriate sanctions. In addition, the Secretary may suspend or revoke the license of a licensee not complying with its obligations under this section.

(Pub. L. 93-627, § 8, Jan. 3, 1975, 88 Stat. 2136; Pub. L. 98-419, § 3(a), Sept. 25, 1984, 98 Stat. 1608.)

REFERENCES IN TEXT

The Interstate Commerce Act, referred to in subsec. (a), is act Feb. 4, 1887, ch. 104, 24 Stat. 379, as amended. Part I of the Act, which was classified to chapter 1 (§ 1 et seq.) of former Title 49, Transportation, was repealed by Pub. L. 95-473, § 4(b), Oct. 17, 1978, 92 Stat. 1467, the first section of which enacted subtitle IV (§ 10101 et seq.) of Title 49. For distribution of former sections of Title 49 into the revised Title 49, see Table at the beginning of Title 49.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-419 substituted provision that a deepwater port and a storage facility serviced directly by that deepwater port shall operate as a common carrier under applicable provisions of part I of the Interstate Commerce Act and subtitle IV of title 49 except as provided by subsec. (b), for provision that such port and such facilities were subject to regulations as a common carrier in accordance with the Interstate Commerce Act, as amended, for purposes of chapter 39 of title 18 and former sections 1 to 27 of title 49.

Subsec. (b). Pub. L. 98-419 inserted provisions enumerating conditions under which a licensee is not subject to common carrier regulations under subsec. (a). Provisions dealing with enforcement, suspension, or termination proceedings, were redesignated as subsec. (c).

Subsec. (c). Pub. L. 98-419 redesignated a portion of provisions of subsec. (b) as subsec. (c), and in subsec. (c) as so redesignated substituted provisions authorizing the Secretary to commence proceedings before the Federal Energy Regulatory Commission, or to suspend or revoke licenses of noncomplying licensees, in the event of noncompliance with this section, for provisions which had authorized the Secretary to commence proceedings before the Interstate Commerce Commission or to suspend or terminate licenses of noncomplying licensees as provided in section 1511 of this title, in the event of noncompliance by a licensee with its obligations as a common carrier.

### § 1508. Adjacent coastal States

#### (a) Designation; direct pipeline connections; mileage; risk of damage to coastal environment, time for designation

(1) The Secretary, in issuing notice of application pursuant to section 1504(c) of this title, shall designate as an "adjacent coastal State" any coastal State which (A) would be directly connected by pipeline to a deepwater port as proposed in an application, or (B) would be located within 15 miles of any such proposed deepwater port.

(2) The Secretary shall, upon request of a State, and after having received the recommendations of the Administrator of the National Oceanic and Atmospheric Administration, designate such State as an "adjacent coastal State" if he determines that there is a risk of damage to the coastal environment of such State equal to or greater than the risk posed to a State directly connected by pipeline to the proposed deepwater port. This paragraph shall apply only with respect to requests made by a State not later than the 14th day after the date of publication of notice of an application for a proposed deepwater port in the Federal Register in accordance with section 1504(c) of this title. The Secretary shall make the designation required by this paragraph not later than the 45th day after the date he receives such a request from a State.

#### (b) Applications; submittal to Governors for approval or disapproval; consistency of Federal licenses and State programs; views of other interested States

(1) Not later than 10 days after the designation of adjacent coastal States pursuant to this chapter, the Secretary shall transmit a complete copy of the application to the Governor of each adjacent coastal State. The Secretary shall not issue a license without the approval of the Governor of each adjacent coastal State. If the Governor fails to transmit his approval or disapproval to the Secretary not later than 45 days after the last public hearing on applications for a particular application area, such approval shall be conclusively presumed. If the Governor notifies the Secretary that an application, which would otherwise be approved pursuant to this paragraph, is inconsistent with State programs relating to environmental protection, land and water use, and coastal zone management, the Secretary shall condition the license granted so as to make it consistent with such State programs.

(2) Any other interested State shall have the opportunity to make its views known to, and shall be given full consideration by, the Secretary regarding the location, construction, and operation of a deepwater port.

#### (c) Reasonable progress toward development of coastal zone management program; planning grants

The Secretary shall not issue a license unless the adjacent coastal State to which the deepwater port is to be directly connected by pipeline has developed, or is making, at the time the application is submitted, reasonable progress toward developing an approved coastal zone man-

agement program pursuant to the Coastal Zone Management Act of 1972 [16 U.S.C. 1451 et seq.] in the area to be directly and primarily impacted by land and water development in the coastal zone resulting from such deepwater port. For the purposes of this chapter, a State shall be considered to be making reasonable progress if it is receiving a planning grant pursuant to section 305 of the Coastal Zone Management Act [16 U.S.C. 1454].

#### (d) State agreements or compacts

The consent of Congress is given to two or more coastal States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, (1) to apply for a license for the ownership, construction, and operation of a deepwater port or for the transfer of such license, and (2) to establish such agencies, joint or otherwise, as are deemed necessary or appropriate for implementing and carrying out the provisions of any such agreement or compact. Such agreement or compact shall be binding and obligatory upon any State or party thereto without further approval by Congress.

(Pub. L. 93-627, § 9, Jan. 3, 1975, 88 Stat. 2136.)

#### REFERENCES IN TEXT

The Coastal Zone Management Act of 1972, referred to in subsec. (c), is title III of Pub. L. 89-454 as added by Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1280, as amended, which is classified generally to chapter 33 (§1451 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of Title 16, and Tables.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1502, 1503 of this title.

### § 1509. Marine environmental protection and navigational safety

#### (a) Regulations and procedures

Subject to recognized principles of international law, the Secretary shall prescribe by regulation and enforce procedures with respect to any deepwater port, including, but not limited to, rules governing vessel movement, loading and unloading procedures, designation and marking of anchorage areas, maintenance, law enforcement, and the equipment, training, and maintenance required (A) to prevent pollution of the marine environment, (B) to clean up any pollutants which may be discharged, and (C) to otherwise prevent or minimize any adverse impact from the construction and operation of such deepwater port.

#### (b) Safety of property and life; regulations

The Secretary shall issue and enforce regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property in any deepwater port and the waters adjacent thereto.

#### (c) Marking of components; payment of cost

The Secretary shall mark, for the protection of navigation, any component of a deepwater port whenever the licensee fails to mark such component in accordance with applicable regu-

lations. The licensee shall pay the cost of such marking.

**(d) Safety zones; designation; construction period; permitted activities**

(1) Subject to recognized principles of international law and after consultation with the Secretary of the Interior, the Secretary of Commerce, the Secretary of State, and the Secretary of Defense, the Secretary shall designate a zone of appropriate size around and including any deepwater port for the purpose of navigational safety. In such zone, no installations, structures, or uses will be permitted that are incompatible with the operation of the deepwater port. The Secretary shall by regulation define permitted activities within such zone. The Secretary shall, not later than 30 days after publication of notice pursuant to section 1504(c) of this title, designate such safety zone with respect to any proposed deepwater port.

(2) In addition to any other regulations, the Secretary is authorized, in accordance with this subsection, to establish a safety zone to be effective during the period of construction of a deepwater port and to issue rules and regulations relating thereto.

(Pub. L. 93-627, § 10, Jan. 3, 1975, 88 Stat. 2137.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1502 of this title.

**§ 1510. International agreements**

The Secretary of State, in consultation with the Secretary, shall seek effective international action and cooperation in support of the policy and purposes of this chapter and may formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations relative to the construction, ownership, and operation of deepwater ports, with particular regard for measures that assure protection of such facilities as well as the promotion of navigational safety in the vicinity thereof.

(Pub. L. 93-627, § 11, Jan. 3, 1975, 88 Stat. 2138.)

**§ 1511. Suspension or termination of licenses**

**(a) Proceedings by Attorney General; venue; conditions subsequent**

Whenever a licensee fails to comply with any applicable provision of this chapter, or any applicable rule, regulation, restriction, or condition issued or imposed by the Secretary under the authority of this chapter, the Attorney General, at the request of the Secretary, may, file an appropriate action in the United States district court nearest to the location of the proposed or actual deepwater port, as the case may be, or in the district in which the licensee resides or may be found, to—

(1) suspend the license; or

(2) if such failure is knowing and continues for a period of thirty days after the Secretary mails notification of such failure by registered letter to the licensee at his record post office address, revoke such license.

No proceeding under this subsection is necessary if the license, by its terms, provides for auto-

matic suspension or termination upon the occurrence of a fixed or agreed upon condition, event, or time.

**(b) Public health or safety; danger to environment; completion of proceedings**

If the Secretary determines that immediate suspension of the construction or operation of a deepwater port or any component thereof is necessary to protect public health or safety or to eliminate imminent and substantial danger to the environment, he shall order the licensee to cease or alter such construction or operation pending the completion of a judicial proceeding pursuant to subsection (a) of this section.

(Pub. L. 93-627, § 12, Jan. 3, 1975, 88 Stat. 2138.)

CODIFICATION

In subsec. (a), “chapter” substituted for “title” to conform to other substitutions for “Act” and as reflecting intent of Congress manifest throughout Pub. L. 93-627 in the use of the term “Act”.

**§ 1512. Recordkeeping and inspection**

**(a) Regulations; regulations under other provisions unaffected**

Each licensee shall establish and maintain such records, make such reports, and provide such information as the Secretary, after consultation with other interested Federal departments and agencies, shall by regulation prescribe to carry out the provision of this chapter. Such regulations shall not amend, contradict or duplicate regulations established pursuant to part I of the Interstate Commerce Act or any other law. Each licensee shall submit such reports and shall make such records and information available as the Secretary may request.

**(b) Access to deepwater ports in enforcement proceedings and execution of official duties; inspections and tests; notification of results**

All United States officials, including those officials responsible for the implementation and enforcement of United States laws applicable to a deepwater port, shall at all times be afforded reasonable access to a deepwater port licensed under this chapter for the purpose of enforcing laws under their jurisdiction or otherwise carrying out their responsibilities. Each such official may inspect, at reasonable times, records, files, papers, processes, controls, and facilities and may test any feature of a deep water port. Each inspection shall be conducted with reasonable promptness, and such licensee shall be notified of the results of such inspection.

(Pub. L. 93-627, § 13, Jan. 3, 1975, 88 Stat. 2139.)

REFERENCES IN TEXT

The Interstate Commerce Act, referred to in subsec. (a), is act Feb. 4, 1887, ch. 104, 24 Stat. 379, as amended. Part I of the Act, which was classified to chapter 1 (§1 et seq.) of former Title 49, Transportation, was repealed by Pub. L. 95-473, §4(b), Oct. 17, 1978, 92 Stat. 1467, the first section of which enacted subtitle IV (§10101 et seq.) of Title 49. For distribution of former sections of Title 49 into the revised Title 49, see Table at the beginning of Title 49.

**§ 1513. Public access to information****(a) Inspection of copies; reproduction costs; protected information**

Copies of any communication, document, report, or information transmitted between any official of the Federal Government and any person concerning a deepwater port (other than contracts referred to in section 1504(c)(2)(B) of this title) shall be made available to the public for inspection, and shall be available for the purpose of reproduction at a reasonable cost, to the public upon identifiable request, unless such information may not be publicly released under the terms of subsection (b) of this section. Except as provided in subsection (b) of this section, nothing contained in this section shall be construed to require the release of any information of the kind described in subsection (b) of section 552 of title 5 or which is otherwise protected by law from disclosure to the public.

**(b) Information disclosure prohibition; confidentiality of certain disclosures**

The Secretary shall not disclose information obtained by him under this chapter that concerns or relates to a trade secret, referred to in section 1905 of title 18, or to a contract referred to in section 1504(c)(2)(B) of this title, except that such information may be disclosed, in a manner which is designed to maintain confidentiality—

(1) to other Federal and adjacent coastal State government departments and agencies for official use, upon request;

(2) to any committee of Congress having jurisdiction over the subject matter to which the information relates, upon request;

(3) to any person in any judicial proceeding, under a court order formulated to preserve such confidentiality without impairing the proceedings; and

(4) to the public in order to protect health and safety, after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

(Pub. L. 93-627, § 14, Jan. 3, 1975, 88 Stat. 2139.)

**§ 1514. Remedies****(a) Criminal penalties**

Any person who willfully violates any provision of this chapter or any rule, order, or regulation issued pursuant thereto commits a class A misdemeanor for each day of violation.

**(b) Orders of compliance; Attorney General's civil action; jurisdiction and venue**

(1) Whenever on the basis of any information available to him the Secretary finds that any person is in violation of any provision of this chapter or any rule, regulation, order, license, or condition thereof, or other requirements under this chapter, he shall issue an order requiring such person to comply with such provision or requirement, or he shall bring a civil action in accordance with paragraph (3) of this subsection.

(2) Any order issued under this subsection shall state with reasonable specificity the nature of the violation and a time for compliance, not to exceed thirty days, which the Secretary determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(3) Upon a request by the Secretary, the Attorney General shall commence a civil action for appropriate relief, including a permanent or temporary injunction or a civil penalty not to exceed \$25,000 per day of such violation, for any violation for which the Secretary is authorized to issue a compliance order under paragraph (1) of this subsection. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides, or is doing business, and such court shall have jurisdiction to restrain such violation, require compliance, or impose such penalty.

**(c) Attorney General's action for equitable relief; scope of relief**

Upon a request by the Secretary, the Attorney General shall bring an action in an appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of this chapter, any regulation under this chapter, or any license condition. The district courts of the United States shall have jurisdiction to grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, compensatory damages, and punitive damages.

**(d) Vessels; liability in rem; exempt vessels; consent or privity of owners or bareboat charterers**

Any vessel, except a public vessel engaged in noncommercial activities, used in a violation of this chapter or of any rule or regulation issued pursuant to this chapter, shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof; but no vessel shall be liable unless it shall appear that one or more of the owners, or bareboat charterers, was at the time of the violation, a consenting party or privity to such violation.

(Pub. L. 93-627, § 15, Jan. 3, 1975, 88 Stat. 2140; Pub. L. 101-380, title IV, § 4302(m), Aug. 18, 1990, 104 Stat. 539.)

**AMENDMENTS**

1990—Subsec. (a). Pub. L. 101-380 substituted “commits a class A misdemeanor for each day of violation” for “shall on conviction be fined not more than \$25,000 for each day of violation or imprisoned for not more than 1 year, or both”.

**EFFECTIVE DATE OF 1990 AMENDMENT**

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of this title.

**DEPOSIT OF CERTAIN PENALTIES INTO OIL SPILL LIABILITY TRUST FUND**

Penalties paid pursuant to this chapter and sections 1319(c) and 1321 of this title to be deposited in the Oil

Spill Liability Trust Fund created under section 9509 of Title 26, Internal Revenue Code, see section 4304 of Pub. L. 101-380, set out as a note under section 9509 of Title 26.

### § 1515. Citizen civil action

#### (a) Equitable relief; case or controversy; district court jurisdiction

Except as provided in subsection (b) of this section, any person may commence a civil action for equitable relief on his own behalf, whenever such action constitutes a case or controversy—

(1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any provision of this chapter or any condition of a license issued pursuant to this chapter; or

(2) against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this chapter which is not discretionary with the Secretary. Any action brought against the Secretary under this paragraph shall be brought in the district court for the District of Columbia or the district of the appropriate adjacent coastal State.

In suits brought under this chapter, the district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce any provision of this chapter or any condition of a license issued pursuant to this chapter, or to order the Secretary to perform such act or duty, as the case may be.

#### (b) Notice; intervention of right by person

No civil action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to 60 days after the plaintiff has given notice of the violation (i) to the Secretary and (ii) to any alleged violator; or

(B) if the Secretary or the Attorney General has commenced and is diligently prosecuting a civil or criminal action with respect to such matters in a court of the United States, but in any such action any person may intervene as a matter of right; or

(2) under subsection (a)(2) of this section prior to 60 days after the plaintiff has given notice of such action to the Secretary.

Notice under this subsection shall be given in such a manner as the Secretary shall prescribe by regulation.

#### (c) Intervention of right by Secretary or Attorney General

In any action under this section, the Secretary or the Attorney General, if not a party, may intervene as a matter of right.

#### (d) Costs of litigation; attorney and witness fees

The Court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines that such an award is appropriate.

#### (e) Statutory or common law rights unaffected

Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement or to seek any other relief.

(Pub. L. 93-627, § 16, Jan. 3, 1975, 88 Stat. 2140.)

#### § 1516. Judicial review; persons aggrieved; jurisdiction of courts of appeal

Any person suffering legal wrong, or who is adversely affected or aggrieved by the Secretary's decision to issue, transfer, modify, renew, suspend, or revoke a license may, not later than 60 days after any such decision is made, seek judicial review of such decision in the United States Court of Appeals for the circuit within which the nearest adjacent coastal State is located. A person shall be deemed to be aggrieved by the Secretary's decision within the meaning of this chapter if he—

(A) has participated in the administrative proceedings before the Secretary (or if he did not so participate, he can show that his failure to do so was caused by the Secretary's failure to provide the required notice); and

(B) is adversely affected by the Secretary's action.

(Pub. L. 93-627, § 17, Jan. 3, 1975, 88 Stat. 2141.)

#### § 1517. Repealed. Pub. L. 101-380, title II, § 2003(a)(2), Aug. 18, 1990, 104 Stat. 507

Section, Pub. L. 93-627, § 18, Jan. 3, 1975, 88 Stat. 2141; Pub. L. 98-419, § 4(a), Sept. 25, 1984, 98 Stat. 1608, set penalties for discharge of oil into marine environment and provided for creation and maintenance of a Deepwater Port Liability Fund.

#### DEEPWATER PORT LIABILITY FUND

Amounts remaining in Deepwater Port Liability Fund established under former subsec. (f) of this section to be deposited in Oil Spill Liability Trust Fund established under section 9509 of Title 26, Internal Revenue Code, with that Fund to assume all liability incurred by the Deepwater Port Liability Fund, see section 2003(b) of Pub. L. 101-380, set out as a note under section 9509 of Title 26.

#### EFFECTIVE DATE OF REPEAL

Repeal applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of this title.

#### § 1517a. Omitted

#### CODIFICATION

Section, Pub. L. 101-164, title I, Nov. 21, 1989, 103 Stat. 1073, which authorized Secretary of Transportation to issue, and Secretary of the Treasury to purchase, notes or other obligations to meet obligations of Deepwater Port Liability Fund, applied to fiscal year ending Sept. 30, 1990, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 100-457, title I, Sept. 30, 1988, 102 Stat. 2128.

Pub. L. 100-202, § 101(l) [title I], Dec. 22, 1987, 101 Stat. 1329-358, 1329-361.

Pub. L. 99-500, § 101(l) [H.R. 5205, title I], Oct. 18, 1986, 100 Stat. 1783-308, and Pub. L. 99-591, § 101(l) [H.R. 5205, title I], Oct. 30, 1986, 100 Stat. 3341-308.

Pub. L. 99-190, § 101(e) [title I], Dec. 19, 1985, 99 Stat. 1267, 1270.

Pub. L. 98-473, title I, § 101(i) [title I], Oct. 12, 1984, 98 Stat. 1944, 1947.

Pub. L. 98-78, title I, Aug. 15, 1983, 97 Stat. 455.  
 Pub. L. 97-369, title I, Dec. 18, 1982, 95 Stat. 1767.  
 Pub. L. 97-102, title I, Dec. 23, 1981, 95 Stat. 1444.  
 Pub. L. 97-12, title I, June 5, 1981, 95 Stat. 67.

#### § 1518. Relationship to other laws

**(a) Federal Constitution, laws, and treaties applicable; other Federal requirements applicable; status of deepwater port; Federal or State authorities and responsibilities within territorial seas unaffected; notification by Secretary of State of intent to exercise jurisdiction; objections by foreign governments**

(1) The Constitution, laws, and treaties of the United States shall apply to a deepwater port licensed under this chapter and to activities connected, associated, or potentially interfering with the use or operation of any such port, in the same manner as if such port were an area of exclusive Federal jurisdiction located within a State. Nothing in this chapter shall be construed to relieve, exempt, or immunize any person from any other requirement imposed by Federal law, regulation, or treaty. Deepwater ports licensed under this chapter do not possess the status of islands and have no territorial seas of their own.

(2) Except as otherwise provided by this chapter, nothing in this chapter shall in any way alter the responsibilities and authorities of a State or the United States within the territorial seas of the United States.

(3) The Secretary of State shall notify the government of each foreign state having vessels registered under its authority or flying its flag which may call at or otherwise utilize a deepwater port but which do not currently have an agreement in effect as provided in subsection (c)(2)(A)(i) of this section that the United States intends to exercise jurisdiction over vessels calling at or otherwise utilizing a deepwater port and the persons on board such vessels. The Secretary of State shall notify the government of each such state that, absent its objection, its vessels will be subject to the jurisdiction of the United States whenever they—

(A) are calling at or otherwise utilizing a deepwater port; and

(B) are within the safety zone of such a deepwater port and are engaged in activities connected, associated, or potentially interfering with the use and operation of the deepwater port.

The Secretary of State shall promptly inform licensees of deepwater ports of all objections received from governments of foreign states in response to notifications made under this paragraph.

**(b) Law of nearest adjacent coastal State as applicable Federal law; Federal administration and enforcement of such law; nearest adjacent coastal State defined**

The law of the nearest adjacent coastal State, now in effect or hereafter adopted, amended, or repealed, is declared to be the law of the United States, and shall apply to any deepwater port licensed pursuant to this chapter, to the extent applicable and not inconsistent with any provision or regulation under this chapter or other Federal laws and regulations now in effect or

hereafter adopted, amended, or repealed. All such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. For purposes of this subsection, the nearest adjacent coastal State shall be that State whose seaward boundaries, if extended beyond 3 miles, would encompass the site of the deepwater port.

**(c) Vessels of United States and foreign states subject to Federal jurisdiction; objections to jurisdiction; designation of agent for service of process; duty of licensee**

(1) The jurisdiction of the United States shall apply to vessels of the United States and persons on board such vessels. The jurisdiction of the United States shall also apply to vessels, and persons on board such vessels, registered in or flying the flags of foreign states, whenever such vessels are—

(A) calling at or otherwise utilizing a deepwater port; and

(B) are within the safety zone of such a deepwater port, and are engaged in activities connected, associated, or potentially interfering with the use and operation of the deepwater port.

The jurisdiction of the United States under this paragraph shall not, however, apply to vessels registered in or flying the flag of any foreign state that has objected to the application of such jurisdiction.

(2) Except in a situation involving force majeure, a licensee shall not permit a vessel registered in or flying the flag of a foreign state to call at or otherwise utilize a deepwater port licensed under this chapter unless—

(A)(i) the foreign state involved, by specific agreement with the United States, has agreed to recognize the jurisdiction of the United States over the vessels registered in or flying the flag of that state and persons on board such vessels in accordance with the provisions of paragraph (1) of this subsection, while the vessel is located within the safety zone, or

(ii) the foreign state has not objected to the application of the jurisdiction of the United States to any vessel, or persons on board such vessel, while the vessel is located within the safety zone; and

(B) the vessel owner or operator has designated an agent in the United States for receipt of service of process in the event of any claim or legal proceeding resulting from activities of the vessel or its personnel while located within such a safety zone.

(3) For purposes of paragraph (2)(A)(ii) of this subsection, a licensee shall not be obliged to prohibit a call at or use of a deepwater port by a vessel registered in or flying the flag of an objecting state unless the licensee has been informed by the Secretary of State as required by subsection (a)(3) of this section.

**(d) Customs laws inapplicable to deepwater port; duties and taxes on foreign articles imported into customs territory of United States**

The customs laws administered by the Secretary of the Treasury shall not apply to any deepwater port licensed under this chapter, but all foreign articles to be used in the construc-

tion of any such deepwater port, including any component thereof, shall first be made subject to all applicable duties and taxes which would be imposed upon or by reason of their importation if they were imported for consumption in the United States. Duties and taxes shall be paid thereon in accordance with laws applicable to merchandise imported into the customs territory of the United States.

**(e) Federal district courts; original jurisdiction; venue**

The United States district courts shall have original jurisdiction of cases and controversies arising out of or in connection with the construction and operation of deepwater ports, and proceedings with respect to any such case or controversy may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district of the adjacent coastal State nearest the place where the cause of action arose.

(Pub. L. 93-627, §19(a)-(e), Jan. 3, 1975, 88 Stat. 2145, 2146; Pub. L. 98-419, §5(a), (b), Sept. 25, 1984, 98 Stat. 1609.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (d), are classified generally to Title 19, Customs Duties.

CODIFICATION

Section 19(f) of Pub. L. 93-627 amended section 1333(a)(2) of Title 43, Public Lands.

AMENDMENTS

1984—Subsec. (a)(3). Pub. L. 98-419, §5(a), added par. (3).

Subsec. (c)(1). Pub. L. 98-419, §5(b), added par. (1). Former cl. (1) redesignated cl. (A)(i) of par. (2).

Subsec. (c)(2). Pub. L. 98-419, §5(b), redesignated existing provisions of subsec. (c) as par. (2)(A)(i) and (B) thereof, substituted reference to provisions of par. (1) for former reference to provisions of this chapter in par. (2)(A)(i) as so redesignated, and added par. (2)(A)(ii).

Subsec. (c)(3). Pub. L. 98-419, §5(b), added par. (3).

EFFECTIVE DATE OF 1984 AMENDMENT

Section 5(c) of Pub. L. 98-419 provided that: “The amendment made by subsection (b) of this section [amending this section] shall be effective on the ninetyth day following the date of enactment of this Act [Sept. 25, 1984]. The Secretary of State shall make the first series of notifications referred to in section 19(a)(3) of the Deepwater Port Act of 1974 [subsec. (a)(3) of this section], as added by subsection (a) of this section, prior to the thirtieth day following the date of enactment of this Act [Sept. 25, 1984].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 19 section 1644.

**§ 1519. Annual report by Secretary to Congress; recommendations to Congress**

Within 6 months after the end of each fiscal year, the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives (1) a report on the administration of this chapter during such fiscal year, including all deepwater port development activities; (2) a summary of management, supervision, and enforcement activities; and (3) recommendations to the Congress for such additional legisla-

tive authority as may be necessary to improve the management and safety of deepwater port development and for resolution of jurisdictional conflicts or ambiguities.

(Pub. L. 93-627, §20, Jan. 3, 1975, 88 Stat. 2146.)

**§ 1520. Pipeline safety and operation**

**(a) Standards and regulations for Outer Continental Shelf**

The Secretary, in cooperation with the Secretary of the Interior, shall establish and enforce such standards and regulations as may be necessary to assure the safe construction and operation of oil pipelines on the Outer Continental Shelf.

**(b), (c) Omitted**

(Pub. L. 93-627, §21, Jan. 3, 1975, 88 Stat. 2146.)

CODIFICATION

Subsec. (b) directed the Secretary to report to the Congress within 60 days after Jan. 3, 1975, on appropriations and staffing needed to monitor pipelines on Federal lands and the Outer Continental Shelf.

Subsec. (c) directed the Secretary to review all laws and regulations relating to the construction, operation, and maintenance of pipelines on Federal lands and the Outer Continental Shelf and to report to Congress within 6 months after Jan. 3, 1975, on administrative changes needed and recommendations for new legislation.

**§ 1521. Negotiations with Canada and Mexico; report to Congress**

The President of the United States is authorized and requested to enter into negotiations with the Governments of Canada and Mexico to determine:

(1) the need for intergovernmental understandings, agreements, or treaties to protect the interests of the people of Canada, Mexico, and the United States and of any party or parties involved with the construction or operation of deepwater ports; and

(2) the desirability of undertaking joint studies and investigations designed to insure protection of the environment and to eliminate any legal and regulatory uncertainty, to assure that the interests of the people of Canada, Mexico, and the United States are adequately met.

The President shall report to the Congress the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendations for further action.

(Pub. L. 93-627, §22, Jan. 3, 1975, 88 Stat. 2147.)

**§ 1522. Limitations on export provisions of section 185(u) of title 30 unaffected**

Nothing in this chapter shall be construed to amend, restrict, or otherwise limit the application of section 185(u) of title 30.

(Pub. L. 93-627, §23, Jan. 3, 1975, 88 Stat. 2147.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1502 of this title.



**§ 1523. General procedures; issuance and enforcement of orders; scope of authority; evidentiary matters**

The Secretary or his delegate shall have the authority to issue and enforce orders during proceedings brought under this chapter. Such authority shall include the authority to issue subpoenas, administer oaths, compel the attendance and testimony of witnesses and the production of books, papers, documents, and other evidence, to take depositions before any designated individual competent to administer oaths, and to examine witnesses.

(Pub. L. 93-627, § 24, Jan. 3, 1975, 88 Stat. 2147.)

**§ 1524. Authorization of appropriations**

There is authorized to be appropriated for administration of this chapter, not to exceed \$2,500,000 per fiscal year for the fiscal years ending June 30, 1975, June 30, 1976, September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980.

(Pub. L. 93-627, § 25, Jan. 3, 1975, 88 Stat. 2147; Pub. L. 95-36, June 1, 1977, 91 Stat. 177.)

**AMENDMENTS**

1977—Pub. L. 95-36 authorized appropriations of not to exceed \$2,500,000 per fiscal year for fiscal years ending Sept. 30, 1977, Sept. 30, 1978, Sept. 30, 1979, and Sept. 30, 1980.

**CHAPTER 30—INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA**

|       |  |
|-------|--|
| Sec.  | Definitions.   |
| 1601. | International Regulations.   |
| 1602. | <ul style="list-style-type: none"> <li>(a) Proclamation by President; effective date.</li> <li>(b) Publication of proclamation in Federal Register.</li> <li>(c) Amendment of International Regulations.</li> <li>(d) Notification to Congress of proposed amendments; Congressional resolution of disapproval.</li> </ul>   |
| 1603. | Vessels subject to International Regulations.  |
| 1604. | Vessels not subject to International Regulations.  |
| 1605. | Navy and Coast Guard vessels of special construction or purpose. <ul style="list-style-type: none"> <li>(a) Certification for alternative compliance.</li> <li>(b) Closest possible compliance by vessels covered by certification for alternative compliance.</li> <li>(c) Publication of certifications in Federal Register.</li> <li>(d) Issuance of certification for a class of vessels.</li> </ul> |
| 1606. | Special rules for ships of war, vessels proceeding under convoy, and fishing vessels engaged in fishing as a fleet.  |
| 1607. | Implementation by rules and regulations; authority to promulgate.  |
| 1608. | Civil penalties. <ul style="list-style-type: none"> <li>(a) Liability of vessel operator for violations.</li> <li>(b) Liability of vessel for violations; seizure of vessel.</li> <li>(c) Assessment of penalties; notice; opportunity for hearing; remission, mitigation, and compromise of penalty; action for collection.</li> </ul>  |

**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in title 49 section 40120.

**§ 1601. Definitions**

For the purposes of this chapter—

(1) “vessel” means every description of watercraft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water; and

(2) “high seas” means all parts of the sea that are not included in the territorial sea or in the internal waters of any nation.

(Pub. L. 95-75, § 2, July 27, 1977, 91 Stat. 308.)

**REFERENCES IN TEXT**

This chapter, referred to in opening par., was in the original “this Act”, meaning Pub. L. 95-75, July 27, 1977, 91 Stat. 308, known as the “International Navigational Rules Act of 1977”, which enacted this chapter, repealed sections 1051 to 1094 of this title, enacted provisions set out as notes under this section, and repealed provision set out as a note under section 1051 of this title.

**EFFECTIVE DATE OF INTERNATIONAL REGULATIONS;  
REPEAL OF FORMER REGULATIONS**

Section 10 of Pub. L. 95-75 provided in part that Pub. L. 88-131, enacting sections 1051 to 1094 of this title and a provision set out as a note under section 1051 of this title which sections included the former International Regulations for Preventing Collisions at Sea, was repealed effective on the date on which the International Regulations [promulgated pursuant to this chapter] entered into force for the United States [July 15, 1977]. See Proclamation dated Jan. 19, 1977, set out as a note under section 1602 of this title.

**REFERENCES TO FORMER REGULATIONS**

Section 10 of Pub. L. 95-75 provided in part that: “The reference in any other law to Public Law 88-131 [enacting sections 1051 to 1094 of this title and enacting a provision set out as a note under section 1051 of this title], or to the regulations set forth in section 4 of that Act [sections 1061 to 1094 of this title], shall be considered a reference, respectively, to this Act [this chapter], or to the International Regulations proclaimed hereunder [set out as a note under section 1602 of this title].”

**SHORT TITLE**

Section 1 of Pub. L. 95-75 provided: “That this Act [enacting this chapter, repealing sections 1051 to 1094 of this title, enacting provisions set out as notes under this section, and repealing provisions set out as a note under section 1051 of this title] may be cited as the ‘International Navigational Rules Act of 1977.’”

**TERRITORIAL SEA OF UNITED STATES**

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

**§ 1602. International Regulations**

**(a) Proclamation by President; effective date**

The President is authorized to proclaim the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as the “International Regulations”). The effective date of the International Regulations for the United States shall be specified in the proclamation and shall be the date as near as possible to, but no earlier than, the date on which the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as